

Use of Copyrighted Materials in Schools

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Effective -	7/12/88
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I. Board Policy

The Board is committed to the observance of federal and state copyright laws and publisher licensing agreements. It delegates responsibility for enforcing this policy to the District Administration.

II. Administration Policy

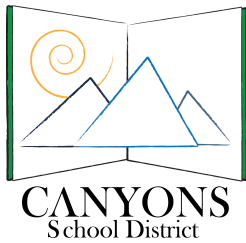
To help assure compliance with Canyons District's copyright policy, the District Administration shall endeavor to keep abreast of the current status and changes in copyright legislation, provide in-service training for all educators in Canyons School District concerning copyright policy, provide reference information on copyright laws, and promote compliance of faculty, staff, and students with copyright policy and law.

III. General Responsibilities

- A. Review of Copyright Policy: School administrators are responsible for review of the *Use of Copyrighted Materials* policy with faculty and staff members on an annual basis.
- B. Copyright Information: It is the responsibility of the principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator) to provide information and guidance to staff members on copyright issues. It is the responsibility of District employees to obtain copyright information and guidance from these individuals.
- C. Adherence to Policy and Guidelines: It is the responsibility of District employees to follow all guidelines and laws as explained in the Canyons School District *Use of Copyrighted Materials* policy and the *Copyright Law of the United States of America*. Employees who violate the *Use of Copyrighted Materials Policy* and the *Copyright Law of the United States of America* will be subject to discipline under Policy DP316 NEG—Orderly Termination Procedures—Licensed. Students who violate the *Use of Copyrighted Materials Policy* and the *Copyright Law of the United States of America* will be subject to discipline under Policy AS67 NEG—Discipline of Students, and Policy AA419—Student Conduct and Dress.
- D. It is the responsibility of administrators and educators to verify that all audio-visual materials, music, videos, DVDs, CDs, computer programs, and all forms of copyrighted materials used in the school are legally obtained and properly licensed.

IV. Use of Materials in Schools

- A. Audio-Visual Materials
 - 1. Permissible
 - a. Creating a series of slides or overhead transparencies from multiple sources, such as magazines, books, encyclopedias, etc., not to exceed one photograph, drawing, chart, or diagram per source.
 - b. Creating a single overhead transparency from a single page of a consumable workbook, not to exceed one page from the entire book.
 - c. Duplicating visual or audio materials from a non-dramatic literary work or legally transmitting these and other copyrighted materials via cable or closed-circuit systems to provide materials for deaf or blind individuals.
 - 2. Prohibited
 - a. Duplicating audio recordings for archival, backup, or for multiple uses unless reproduction rights were given at the time of purchase.
 - b. Reproducing any audiovisual work in its entirety, except for off-air videotaping as per the guidelines found in the video section of this policy.
 - c. Converting of one media format into another. (i.e. transferring a record to a tape)
 - d. Narrating entire copyrighted stories onto audiotape.



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B. Bulletin Boards

1. Permissible
 - a. Purchasing clip art is for the use of the purchaser only.
 - b. Using original or public domain graphics.
2. Prohibited
Taking a copyrighted work (i.e., greeting cards, cartoons, and coloring books, etc.) and enlarging, modifying, or converting it to another medium violates the copyright holder's rights.

C. Computer Software

1. Permissible
Copying textual and graphic information from CD-ROM periodicals, encyclopedias, and other online databases if fair use guidelines are followed.
2. Prohibited
 - a. Using illegally copied software in schools or offices is prohibited.
 - b. Using school equipment may not be used to copy software illegally.

D. Internet Resources

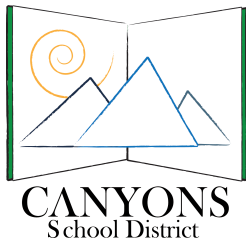
1. Assume all materials on the Internet are copyrighted unless otherwise stated and that existing copyright guidelines apply. When in doubt, obtain written permission from the copyright holder.
2. When using information from the Internet, follow the Fair Use guidelines and properly cite all Internet resources.

E. Music

1. Permissible
 - a. Audio programs in the classroom must be legally acquired, directly tied to curriculum lessons or learning objectives, and age appropriate or have no rating.
 - b. Copying of music must be done under the direct supervision of the licensed school media specialist or the principal and/or the principal's designee (an administrator or licensed educator) who is familiar with copying regulations.
2. Prohibited
 - a. Reproducing musical works (i.e., sheet music, a record, a tape, or CD, etc.) or converting a work from one form to another (such as transferring a record to a tape or a tape to a CD) unless such rights have been acquired from the copyright holder.
 - b. Public performance of copyrighted materials is one of the rights reserved for copyright holders.
 - c. Public performance is permitted only in classrooms as part of face-to-face teaching in a nonprofit educational institution.

F. Videos, DVDs, and Taped Programs

1. Ratings Guidelines
 - a. Elementary schools may use only those videos/DVDs with a Motion Picture Association of America (MPAA) rating of G.
 - b. Middle schools may use only those videos/DVDs with MPAA ratings of G. PG rated videos/DVDs may only be used after obtaining written, parent permission.
 - c. High schools may use only those videos/DVDs with MPAA ratings of G and PG. Videos/DVDs rated PG -13 may be used only with written, parent permission.
 - d. Videos/DVDs with MPAA ratings of R and/or NC-17 may not be used.
 - e. Non-rated videos/DVDs must be reviewed for applicability to core curriculum, content, and appropriateness for student use. The school principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator) must review the video/DVD and make a ratings recommendation.



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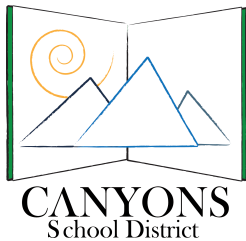
Based on the recommendation, the school principal gives final approval for use of a non-rated video/DVD in a school. A written verification of review and approval for each non-rated video/DVD must remain on file at the school location.

2. Permissible
 - a. All videos, DVDs, and taped programs must be used according to Fair Use Guidelines for direct instruction in the classroom but not for reward or entertainment.
 - b. Schools may use only those videos/DVDs which are obtained from the District Instructional Media Center and/or the school media center where the videos/DVDs are used.
 - c. All videos/DVDs used in the district and/or school must be previewed for applicability and appropriateness by the school principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator).
 - d. All videos/DVDs used in the district and/or school must be catalogued in the District IMC and/or school library media collection.
 - e. The principal and the licensed school library media specialist of each school must approve all videos/DVDs purchased by the school.
 - f. Off-air taping must be used for direct instruction and must be done under the direct supervision of the principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator).
 - g. Use of videos/DVDs on closed circuit television systems (CCTV) must be done under the direct supervision of the principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator).
 - h. Any principal desiring to use videos/DVDs in situations not approved under Fair Use Guidelines (any type of public viewing, reward, or entertainment) must contact the Director of Instructional Support Services to obtain a public performance site license for the individual school.
3. Prohibited
 - a. Using videos/DVDs for public viewing, reward or entertainment without a public performance site license.
 - b. Using videos/DVDs for public viewing, reward or entertainment during regularly scheduled class time.
 - c. Using videos that have not been previewed for applicability and appropriateness by the school principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator).
 - d. Using personally or privately owned videos/DVDs, programs taped at home, videos/DVDs purchased or obtained from rental or retail stores/sources, libraries, catalogues, the internet, or any other sources.
 - e. Using a video that violates the ratings guidelines in this policy. (IV.F.1)

G. Educational Multimedia

Multimedia presentations created by both students and educators must have a citation page which includes the source for the material and the images used in the presentation.

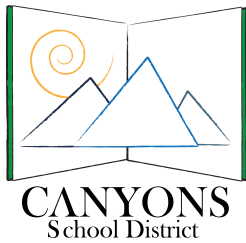
1. Permissible for Students
 - a. Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
 - b. Multimedia works made by students may be used in the class for which they were created.



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- c. Multimedia works made by students may be retained indefinitely in portfolios maintained by the student for job interviews, college applications, and other purposes.
 - d. Students in grades K-6 are granted more leeway in their use of copyrighted material in terms of the portions limitations.
 - e. Middle school and high school students should properly cite all sources used, including images and/or graphics.
 - 2. Permissible for Educators
 - a. Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.
 - b. Educators may perform or display the multimedia presentations they create with copyrighted materials for curriculum-based instruction.
 - c. Educators may retain projects indefinitely in a portfolio for later personal use purposes such as a tenure review or a job interview.
 - d. Educators may use their multimedia projects for instructional use for a period of up to two years. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production.
 - e. Educators may make alterations in the portions of the copyrighted works they incorporate only if the alterations support specific instructional objectives indicating that alterations have been made.
 - H. Photocopying
 - 1. Permissible
 - a. Educators may reproduce single copies of the following materials for their own study and research: a chapter of a book, an article from a periodical or newspaper, a short story, short essay or short poem, or a chart, graph, diagram, or picture from a book, periodical or newspaper.
 - b. Educators may reproduce multiple copies of the materials for classroom use if the copying meets specifics of three tests: brevity, spontaneity, and cumulative effect. The source and copyright date must be cited on each copy.
 - 2. Prohibited
 - a. Reproducing consumable materials such as workbooks, tests, activity sheets, etc., is specifically prohibited unless otherwise specified for classroom use.
 - b. Reproduction, in any form, of copyrighted or syndicated cartoon characters is prohibited.
 - c. Masters may not be photocopied or reproduced in any other manner unless permission is obtained.
 - I. Web Page Publishing
 - 1. Permissible
 - a. When using material from other Web sites, permission should be obtained from the copyright holder, and all sources must be properly cited.
 - b. Use clip art and graphics from sites that indicate these materials may be used without violation of copyright or from legally obtained software programs.
 - 2. Prohibited
 - Trademarked logos may not be used.



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J. **Distance Education**

Distance education guidelines permit instructors in educational institutions who meet the eligibility conditions to perform and display all types of copyrighted works with some limitations and additional responsibilities for instructors and transmitting institutions to assure compliance with the law. It is the responsibility of distance educators to obtain copyright information and guidance from the District Distance Learning Specialist, the principal and/or the principal's designee (an administrator, secondary licensed media specialist, or licensed educator). Refer to the Technology, Education and Copyright Harmonization (TEACH) Act, November 2, 2002.

V. Obtaining Permission to Copy a Copyrighted Work

To obtain permission to copy a printed work, an image, video, DVD, or any additional form of media, obtain written permission from the copyright owner or the publisher of the work. Permission documents must include original signatures from the copyright. Verification of permission must remain on file at the school location.

VI. Definition of Fair Use

While authors are given certain specific rights, some limitations have been put on those rights. The courts use the following four criteria to determine Fair Use:

- A. The purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes.
- B. The nature of the copyrighted work.
- C. The amount and substantiality (extent) of the portion used in relationship to the copyrighted work as a whole.
- D. The effect of the use upon the potential market for or value of the copyrighted work.